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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,821	01/16/2007	August Verbruggen	50304/021002	7212
21559	7590	05/05/2011		
CLARK & ELBING LLP 101 FEDERAL STREET BOSTON, MA 02110			EXAMINER ARIANE, KADE	
			ART UNIT 1651	PAPER NUMBER
			NOTIFICATION DATE 05/05/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentadministrator@clarkelbing.com

**Corrected  
Notice of Allowability**

**Application No.**

10/595,821

**Examiner**

KADE ARIANI

**Applicant(s)**

VERBRUGGEN ET AL.

**Art Unit**

1651

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephonic interview with attorney James DeCamp on Macrh 04, 2011.
2. ☒ The allowed claim(s) is/are 23,25-27,30,31,35, 37-39 and 43-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.64(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/KADE ARIANI/  
Primary Examiner, Art Unit 1651

***Supplemental Examiner's Amendments***

This Supplemental Examiner's Amendment is to correct the list of allowed claims and to add "claim 35" which was inadvertently omitted from the list of allowed claims in the Notice of Allowability and in the Issue classification mailed on 3/24/2011, and also to change the total number of allowed claims to 17 instead of 16 in the Issue classification mailed on 3/24/2011.

Moreover, to correct that in claim 38 line 3 insert --wherein said composition is for implantation into a human or animal body and repair of a cartilage defect-- after alginate, in the Examiner amendments mailed on 3/24/2011.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

***Telephonic Interview Summary***

Authorization for this examiner's amendment was given in a telephone interview with Applicant's Attorney James DeCamp on March 04, 2011.

***Amendments to the Claims***

Claims 24 and 40 are cancelled.

In claim 23 (line 3) insert --and culturing the chondrogenic cells, wherein said matrix is for implantation into a human or animal body and repair of a cartilage defect-- after alginate.

In claim 31 (line 2) insert --cultured-- before chondrogenic.

In claim 31 (line 2) insert --wherein said matrix is for implantation into a human or animal body and repair of a cartilage defect-- after cells.

In claim 38 (line 2) insert --cultured-- before chondrogenic.

In claim 38 (line 3) insert --wherein said composition is for implantation into a human or animal body and repair of a cartilage defect-- after alginate.

In claim 39 (line 1) delete "or prevention".

In claim 39 (line 3) insert --1 to 10 µg/ml-- after comprising.

In claim 39 (line 3) insert --and cultured chondrogenic cells-- after alginate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KADE ARIANI whose telephone number is (571)272-6083. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-2720926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kade Ariani/  
Primary Examiner, Art Unit 1651